

Applicants believe the effective filing date of US patent application number 08/520,149 (now issued US Patent 5,741,594) is August 28, 1995. In response to the rejection under 35 USC § 102(e), Applicants submit a declaration under 37 CFR § 1.131 that swears behind the effective filing date of this patent. Because the declaration provides proof of conception and reduction to practice of the claimed invention in the US before the effective filing date of US Patent 5,741,594, Applicants believe US Patent 5,741,594 is not a proper reference against the claimed invention and accordingly the rejection under 35 USC § 102(e) should be withdrawn.

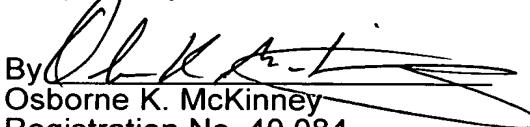
The Invention is not obvious because the reference relied upon by the PTO is not a proper reference and the inventive step does not pertain to recyclability per se

The PTO rejects Claim 9 under 35 USC § 103(a) as being unpatentable over US Patent 5,741,594 issued to Jialanella. But as discussed above in regard to anticipation, the cited reference is not a proper prior art reference because the declaration under 37 CFR § 1.131 submitted herewith swears behind its effective filing date.

Furthermore the Applicants do not rely on the recyclability feature of their invention *per se* to supply the inventive step of the invention. Applicants believe the surprising, unexpected feature of the invention is the discovery that a homogeneously branched ethylene polymer can be successfully employed to serve as any one of several different carpet components. Applicants believe the PTO acknowledges the inventive step of the invention as the rejection under 35 USC § 103(a) is limited exclusively to Claim 9.

Applicants believe that all outstanding objections and rejections have been obviated by the above amendments and with submission of the declaration under 37 CFR § 1.131. Applicants also believe that the presently claimed invention, Claims 1-6 and 9-12, is in a condition for allowance and respectfully request that a notice of allowance be issued for the invention described and claimed in the above-identified patent application.

Respectfully submitted,

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